

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 CLIFFORD WAYNE MILLER,

Case No.: 3:23-cv-00040-CSD

4 Plaintiff

Order

5 v.

Re: ECF No. 48

6 MICHAEL MINEV, et al.,
7 Defendants

8 Before the court is Defendants' motion for leave to file medical records under seal. (ECF
9 No. 48.)

10 In this motion, Defendants seek to file under seal exhibits containing Plaintiff's medical
11 records in connection with their motion for summary judgment, (ECF No. 47).

12 “Historically, courts have recognized a general right to inspect and copy public records
13 and documents, including judicial records and documents.” *Kamakana v. City and County of*
14 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal quotation marks and citation omitted).
15 ““Throughout our history, the open courtroom has been a fundamental feature of the American
16 judicial system. Basic principles have emerged to guide judicial discretion respecting public
17 access to judicial proceedings. These principles apply as well to the determination of whether to
18 permit access to information contained in court documents because court records often provide
19 important, sometimes the only, bases or explanations for a court's decision.”” *Oliner v.*
20 *Kontrabecki*, 745 F.3d 1024, 1025 (9th Cir. 2014) (quoting *Brown & Williamson Tobacco Corp.*
21 *v. F.T.C.*, 710 F.2d 1165, 1177 (6th Cir. 1983)).

22 Documents that have been traditionally kept secret, including grand jury transcripts and
23 warrant materials in a pre-indictment investigation, come within an exception to the general right

1 of public access. *See Kamakana*, 447 F.3d at 1178. Otherwise, “a strong presumption in favor of
2 access is the starting point.” *Id.* (internal quotation marks and citation omitted). “The
3 presumption of access is ‘based on the need for federal courts, although independent—indeed,
4 particularly because they are independent—to have a measure of accountability and for the
5 public to have confidence in the administration of justice.’” *Center for Auto Safety v. Chrysler*
6 *Group, LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting *United States v. Amodeo (Amodeo II)*,
7 71 F.3d 1044, 1048 (2nd Cir. 1995); *Valley Broad Co. v. U.S. Dist. Ct., D. Nev.*, 798 F.2d 1289,
8 1294 (9th Cir. 1986)).

9 There are two possible standards a party must address when it seeks to file a document
10 under seal: the compelling reasons standard or the good cause standard. *Center for Auto Safety*,
11 809 F.3d at 1096-97. Under the compelling reasons standard, “a court may seal records only
12 when it finds ‘a compelling reason and articulate[s] the factual basis for its ruling, without
13 relying on hypothesis or conjecture.’” *Id.* (quoting *Kamakana*, 447 F.3d at 1179). If the
14 document proposed for sealing accompany a motion that is “more than tangentially related to the
15 merits of the case,” the compelling reasons standard is applied. *Center for Auto Safety*, 809 F.3d
16 at 1101.

17 Here, Defendants seek to file exhibits under seal in connection with their motion for
18 summary judgment, which is unquestionably “more than tangentially related to the merits of a
19 case.” Therefore, the compelling reasons standard applies.

20 This court, and others within the Ninth Circuit, have recognized that the need to protect
21 medical privacy qualifies as a “compelling reason” for sealing records. *See, e.g., Moreno v.*
22 *Adamson*, No. 3:19-cv-0330-MMD-CLB, 2021 WL 76722 (De. Nev. Jan. 7, 2021); *San Ramon*
23 *Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, No. C 10-02258 SBA, 2011 WL89931, at

1 *n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, No. 09-000545
2 SOM/BMK, 2010 WL4715793, at *1-2 (D. HI. Nov. 15, 2010); *Wilkins v. Ahern*, No. C 08-
3 1084 MMC (PR), 2010 WL3755654 (N.D. Cal. Sept. 24, 2010); *Lombardi v. TriWest Healthcare*
4 *Alliance Corp.*, No. CV-08-02381-PHX-FJM, 2009 WL 1212170, at *1 (D.Ariz. May 4, 2009).
5 This is because a person's medical records contain sensitive and private information about their
6 health. While a plaintiff puts certain aspects of his medical condition at issue when he files an
7 action alleging deliberate indifference to a serious medical need under the Eighth Amendment,
8 that does not mean that the entirety of his medical records filed in connection with a motion
9 (which frequently contain records that pertain to unrelated medical information) need be
10 unnecessarily broadcast to the public. In other words, the plaintiff's interest in keeping his
11 sensitive health information confidential outweighs the public's need for direct access to the
12 medical records.

13 Here, the referenced exhibits contain Plaintiff's sensitive health information, medical
14 history and treatment records. (ECF No. 50-1, 50-2 (sealed).) Balancing the need for the public's
15 access to information regarding Plaintiff's medical history, treatment, and condition against the
16 need to maintain the confidentiality of Plaintiff's medical records weighs in favor of sealing these
17 exhibits. Therefore, Defendants' motion (ECF No. 48) is **GRANTED**.

18 **IT IS SO ORDERED.**

19 Dated: April 11, 2025

20 
21 Craig S. Denney
22 United States Magistrate Judge
23